

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XING ZHAO

Plaintiff,

v.

TRADEGO FOREX EXCHANGE, *et al.*,

Defendants.

CASE NO. C23-1821-JCC

ORDER

This matter comes before the Court on Plaintiff’s motion for additional time to serve certain defendants in this action (Dkt. No. 16). The Court hereby GRANTS the motion for the reasons described below.

The Court previously discussed the background of this case in a prior order. (*See* Dkt. No. 13.) It will not repeat that discussion here. Having been denied a motion to serve Defendants David Neilson and Ronald Greg Ameral by publication, Plaintiff now asks the Court for an extension of time to serve these Defendants—to June 30, 2024. (*See generally* Dkt. No. 16.) In support, Plaintiff describes the efforts taken to date to locate and serve these Defendants. (*Id.*)

Rule 4 provides as follows:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But

1 if the plaintiff shows good cause for the failure, the court must
2 extend the time for service for an appropriate period.

3 Fed. R. Civ. P. 4(m).

4 In *Efaw v. Williams*, the Ninth Circuit Court of Appeals held that a district court erred in
5 allowing service on a defendant seven years after the complaint was filed given that the length of
6 the delay was extraordinary, the plaintiff offered no reasonable explanation for his seven year
7 failure to serve, and the delay prejudiced the defendant because the memories of all the witnesses
8 had faded and the only eyewitness to the events at issue had passed away. *See* 473 F.3d 1038,
9 1041 (9th Cir. 2007). The facts here are a far cry from those facts.

10 Plaintiff's delay is slight and appears to be entirely of these defendants' own making.
11 (*See generally* Dkt. Nos. 7, 7-1, 7-2.) Plaintiff has diligently attempted to locate and serve these
12 defendants. (*Id.*) The short extension sought is unlikely to prejudice these Defendants. For the
13 foregoing reasons, the Court GRANTS Plaintiff's motion (Dkt. No. 16) and EXTENDS
14 Plaintiff's deadline for effectuating service to June 30, 2024.

15 DATED this 8th day of April 2024.

16
17
18 

19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26